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ABSTRACT

Intended for surveying the knowledge of college students and college faculty/staff about the rights and responsibilities of students with disabilities, this survey form and corresponding answer sheets provide 28 questions, their correct responses, and references to laws or literature. Emphasis is on providing information about the provisions of Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, which require institutions of higher education to make accommodations and modifications of policy to ensure that students with disabilities have an equal educational opportunity. Also, court decisions concerning these rights are emphasized. Survey questions address issues such as reasonable accommodations, student responsibilities concerning reasonable accommodations, changes in a classroom's location to improve accessibility, provision of an attendant, special provisions for testing, alternative formats for instructional materials, access to the student's diagnostic information, preadmission inquiries concerning a disability, availability of housing options, and situations in which a university/college may refuse admission to students with a disability. A sample survey including student demographic questions is attached. (Contains 13 references.) (DB)

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Postsecondary Accommodations for Academic and Career Success

PAACS

EC305365

Student Survey of Knowledge of Disability Laws and Recent Legal Decisions

- More than 800,000 students with disabilities are currently enrolled in higher education nationwide.
- Section 504 of the Rehabilitation Act and the Americans With Disabilities Act (ADA) require institutions of higher learning to make accommodations and modifications of policy to insure students with disabilities the right to an equal educational opportunity.
- Recent legal decisions have further defined the impact of disability laws on postsecondary education.

This newsletter is designed to provide referenced answers to questions about faculty/staff rights and the rights of students with disabilities in postsecondary education. The correct responses to the survey items are checked.

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	Yes	No
1. The purpose of a reasonable accommodation is to provide equal access to an educational program.	☑	☐

In 1973 Congress passed the Rehabilitation Act which prohibited discrimination on the basis of disability in postsecondary academic programs. Section 504 of the Act stated that students with documented disabilities may request reasonable accommodations that will provide equal access in educational programs.

2. A student who needs a reasonable accommodation has the responsibility to inform the appropriate university/college representative of their disability.	☑	☐

The student has the responsibility to self-identify to the designated compliance officer or disability services office, provide documentation of a disability and ask for accommodation before the university/college is required to provide that accommodation. In the case of Salvador v. Bell the Office of Civil Rights (OCR) ruled in favor of Roosevelt University because the student had not informed the appropriate university/college representative of their disability (Jarrow, 1991).

3. A student who needs a reasonable accommodation must provide a physician's/psychologist's documentation of the disability.	☑	☐

A student is required to provide the designated compliance officer or disability services office with the necessary documentation from an appropriate expert that the disability exists before any classroom accommodation need be provided. In Salvador v. Bell, the OCR ruled that the university/college was under no obligation to provide accommodation for a student with a disability who fails to provide documentation of the disability (Jarrow, 1991).

	Yes	No
4. It is the student's responsibility to ask for an accommodation.	☑	☐

The student has the responsibility to ask for accommodation before the university/college is required to provide that accommodation. In the case of Salvador v. Bell the Office of Civil Rights (OCR) ruled in favor of Roosevelt University because the student had not self-identified and requested the necessary accommodation (Jarrow, 1991).

5. A student with a learning disability should have a diagnostic evaluation that is less than three years old to be eligible for reasonable academic accommodation.	☑	☐

The OCR has upheld the three-year guideline for documentation (Kincaid, 1996).

6. A student who is absent from class due to disability-related reasons is required to makeup missed assignments and tests.	☑	☐

Students may be required to make up missed assignments and tests. The law (Rehabilitation Act, 1973) provides for equal access but does not exempt students from completing course requirements.

7. Tape recording lectures is a reasonable accommodation but the student may be required to sign an agreement form not to release the recordings.	☑	☐

The university/college may not impose rules that prohibit the use of tape recorders in the classroom for students with disabilities (Rehabilitation Act, 1973).

	Yes	No
8. A classroom's location should be changed to provide accessibility for a student with a mobility impairment.	☑	☐
The university/college does not need to make every classroom accessible but must allow the participation of students with disabilities when "viewed in its entirety." Therefore, the university/college may choose to move a class to an accessible location without making every campus building accessible (West et al., 1993).		
9. The provision of an attendant for a student with a physical disability is the responsibility of the university/ college.	☐	☑
The university/college is not required to provide personal services such as attendant care, or personal aids such as wheelchairs or eyeglasses (Heyward, 1993).		
10. A student with a speech impairment must be given an alternate assignment to presenting an oral report.	☑	☐
The university/college must make modifications to academic requirements to ensure that they do not have the effect of discriminating against a student solely on the basis of disability (Rehabilitation Act, 1973).		

	Yes	No
11. Extended time is a reasonable accommodation for a student whose documentation specifically calls for this accommodation.	☑	☐
Extended time is a reasonable accommodation for a student with a disability whose documentation specifically calls for that accommodation. The university/college is required to ensure that the student is provided additional time to complete tests and/or course work in order to provide an equal opportunity for that student (Jarrow, 1992).		
12. If a student's documentation specifically recommends a quiet testing area with no distractions, the instructor should allow the student to take an exam in a room different from the classroom with a proctor.	☑	☐
Accommodations for testing may call for a separate proctored setting if the student's documentation specifically recommends this (Rehabilitation Act, 1973).		
13. Accommodations for testing such as readers, scribes, or the use of adaptive equipment must be provided for a student whose documentation specifically calls for one of these accommodations.	☑	☐
The Rehabilitation Act (1973) specifically mentions the above accommodations for a student with a documented disability that calls for such accommodation.		

	Yes	No
14. If a student with blindness/visual impairment is enrolled in a class, the instructor must provide all handouts in the alternate format requested by the student.	☑	☐

In the case of Los Rios Community College, CA, the OCR stated that postsecondary institutions should be prepared to make printed materials available in alternate format to students with blindness/visual impairments. In addition, examinations and handouts must be made available to students on the same day they are distributed to nondisabled students (Kincaid, 1994).

15. The instructor must make course material on reserve in the library available in alternate formats for students with blindness/visual impairments enrolled in the course.	☑	☐

In the Los Rios Community College, CA case, the OCR provided further interpretation of the requirements contained in Title II of the ADA (1990). OCR held that printed materials are communications and that postsecondary institutions must make such materials available to students with blindness/visual impairments in alternate format (Kincaid, 1994).

16. Postings for job announcements must be readily accessible to students with blindness/visual impairments.	☑	☐

In the case of Los Rios Community College, CA, the OCR stated that postsecondary institutions should be prepared to make printed materials available in alternate format. Los Rios Community College agreed to have postings for job announcements readily accessible upon request from students with blindness/visual impairments. (Kincaid, 1994).

	Yes	No
17. Only personnel in the disability services office have the right to access the student's diagnostic information unless the student provides written consent.	☑	☐
Faculty/staff do not have the right to access the students' diagnostic information (Jarrow, 1991). The Department of Education follows the rules of confidentiality that are described in Section 503 of the Rehabilitation Act (1973). According to the rules of confidentiality, faculty members need only know the accommodations that are necessary to guarantee an equal opportunity for the student.		
18. Preadmission inquiries as to whether a person has a disability are permissible.	☐	☑
Preadmission inquiries as to whether a person has a disability are prohibited (Jarrow, 1991). After a student is admitted, it is appropriate to ask for any information that may be pertinent to enrollment. A letter may be sent inviting a student to identify to the designated compliance officer or disability services office if the student needs some accommodation.		
19. University/college staff may provide career counseling to students with disabilities without regard for the students' interests, abilities, and career choices.	☐	☑
Counseling services, including personal, academic, vocational guidance, and placement counseling, should be provided without discrimination on the basis of disability. The university/college is responsible to provide counseling services that are not restrictive but based on the student's abilities, interests, and career choices (Jarrow, 1991).		

	Yes	No
20. A student with a disability is entitled to have more than one housing option presented if options exist for nondisabled students.	☑	☐

University/college housing should be available in sufficient quantity and variety so that the options for living accommodations available to students with disabilities, as a whole, is comparable to that available to nondisabled students (Jarrow, 1991).

21. A student with a physical disability who needs attendant care is automatically assigned to a single room.	☐	☑

In the Coleman v Zatechka case, the OCR found the University of Nebraska in violation of Section 504 and the ADA by refusing to allow a student who needed attendant care to participate in the roommate assignment program. The student was an "otherwise qualified" person with a disability because she met the essential academic and nonacademic criteria: admission to the university and submission of housing application (Kincaid, 1993, November).

22. The university/college must provide an accommodation even if it would result in a fundamental alteration of the program.	☐	☑

Academic requirements that the university/college can show are essential to the student's course of study do not have to be modified/accommodated. In other words, the university/college would not have to change a requirement if it could demonstrate that such change would fundamentally alter the nature of the course. The Ohio Civil Rights Commission upheld Case Western Reserve University's refusal to accommodate a student because such accommodation would "unduly burden the school and require it to modify the essential nature of its program" (Kincaid, 1995, May).

	Yes	No
23. The university/college must grant a student's request for an accommodation even if it is not specifically recommended in the student's documentation.	☐	☑

In the case of Cumberland Community College, NJ, the OCR upheld a college's refusal to grant a student's request for an accommodation which was not specifically recommended in the student's documentation (Kincaid, 1995, September).

24. The university/college must permit a course waiver even if the course is an essential requirement in the student's major.	☐	☑

Several legal decisions have reinforced the fact that a university/college does not have to waive a course requirement or any other academic requirements if the college can show that such requirements are essential to the academic program. In the case of Indiana University Northwest, IN, OCR agreed with the university's decision not to waive a foreign language for a student with a learning disability because it was an essential requirements of the degree (Kincaid & Simon, 1994).

25. The university/college may refuse admission to students due to their psychiatric problems when they pose a health or safety risk.	☑	☐

A university/college may refuse admission to a student due to his/her psychiatric problems. Such a refusal must be justified with the provision of objective evidence that the student poses a health or safety risk to the college (Kincaid, 1993, November).

	Yes	No
26. The university/college may establish reasonable rules of behavior to maintain a safe and orderly educational environment.	☑	☐

The Western Michigan University case reinforced the fact that the university/college may establish reasonable rules of behavior to maintain a safe and orderly educational environment (Kincaid & Simon, 1994).

27. Section 504 of the 1973 Rehabilitation Act prohibits discrimination on the basis of disability in any program or activity offered by an institution of higher education that receives federal financial assistance.	☑	☐

The Rehabilitation Act (1973), Section 504, Subpart E - Postsecondary Education, states that qualified persons with disabilities may not be denied, on the basis of their disability, access to any program or activity offered by an institution of higher education that receives federal financial assistance.

28. The Americans With Disabilities Act (ADA) extended nondiscrimination on the basis of disability to include private institutions of higher education.	☑	☐

The Americans With Disabilities Act (ADA) (1990), Title III extended the Section 504 mandate to include private institutions. With the accessibility of postsecondary education programs, more than 800,000 students with disabilities were reported to be enrolled in higher education institutions in the 1992-1993 academic year ("Facts In Brief", 1995).

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To:

Alternate formats of this survey are available upon request by contacting the designated compliance officer or disability services office.

Student Survey of Knowledge of Disability Laws and Recent Legal Decisions

Your responses to the following statements will assist the staff to plan and provide training in the rights of students with disabilities and the rights of faculty/ staff in providing equal access to an educational program. This survey is anonymous and your name will not be included or coded in any way.

1. Your classification in college. (Please check only one.)

   Freshman ____ Junior ____ Graduate Student ____

   Sophomore ____ Senior ____

2. Which one of the following categories best describes your primary disability? (Please check only one.)

   Attention-Deficit Disorder ____ Orthopedic/Mobility Impairment ____

   Blindness/Visual Impairment ____ Psychological Disorder ____

   Deafness/Hearing Impairment ____ Speech or Language Disorder ____

   Learning Disability ____ Traumatic Brain Injury ____

   Other Disability (Please specify.) _____

3. Your age in years

   20 or under ____ 31-35 ____

   21-25 ____ 36 or older ____

   26-30 ____

4. Your gender.

   Female ____ Male ____

5. Are you currently receiving a reasonable accommodation?

   Yes ____ No ____ Don't Know ____

Student Survey of Knowledge of Disability Laws and Recent Legal Decisions

Please respond to the following statements by checking either Yes, No, or Don't Know.

	Yes	No	Don't Know
1. The purpose of a reasonable accommodation is to provide equal access to an educational program.	☐	☐	☐
2. A student who needs a reasonable accommodation has the responsibility to inform the appropriate university/college representative of their disability.	☐	☐	☐
3. A student who needs a reasonable accommodation must provide a physician's/psychologist's documentation of the disability.	☐	☐	☐
4. It is the student's responsibility to ask for an accommodation.	☐	☐	☐
5. A student with a learning disability should have a diagnostic evaluation that is less than three years old to be eligible for reasonable academic accommodations.	☐	☐	☐
6. A student who is absent from class due to disability-related reasons is required to makeup missed assignments and tests.	☐	☐	☐
7. Tape recording lectures is a reasonable accommodation but the student may be required to sign an agreement form not to release the recordings.	☐	☐	☐
8. A classroom's location should be changed to provide accessibility for a student with a mobility impairment.	☐	☐	☐
9. The provision of an attendant for a student with a physical disability is the responsibility of the university/college.	☐	☐	☐
10. A student with a speech impairment should be given an alternate assignment to presenting an oral report.	☐	☐	☐
11. Extended time is a reasonable accommodation for a student whose documentation specifically calls for this accommodation.	☐	☐	☐

	Yes	No	Don't Know
12. If a student's documentation specifically recommends a quiet testing area with no distractions, the instructor should allow the student to take an exam in a room different from the classroom with a proctor.	☐	☐	☐
13. Accommodations for testing such as readers, scribes, or the use of adaptive equipment must be provided for a student whose documentation specifically calls for one of these accommodations.	☐	☐	☐
14. If a student with blindness/visual impairment is enrolled in a class, the institution must provide all handouts in the alternate format requested by the student.	☐	☐	☐
15. The institution must make course material on reserve in the library available in alternate format for students with blindness/ visual impairments enrolled in the course.	☐	☐	☐
16. Postings for job announcements must be readily accessible to students with blindness/visual impairments.	☐	☐	☐
17. Only personnel in the disability services office have the right to access the student's diagnostic information unless the student provides written consent.	☐	☐	☐
18. Preadmission inquiries as to whether a person has a disability are permissible.	☐	☐	☐
19. University/college staff may provide career counseling to students with disabilities without regard for the students' interest, abilities, and career choices.	☐	☐	☐
20. A student with a disability is entitled to have more than one housing option presented if options exist for nondisabled students.	☐	☐	☐
21. A student with a physical disability who needs attendant care is automatically assigned to a single room.	☐	☐	☐
22. The university/college must provide an accommodation even if it would result in a fundamental alteration of the program.	☐	☐	☐

	Yes	No	Don't Know
23. The university/college must grant a student's request for an accommodation even if it is not specifically recommended in the student's documentation.	☐	☐	☐
24. The university/college must permit a course waiver even if the course is an essential requirement in the student's major.	☐	☐	☐
25. A university/college may refuse admission to a student due to his/her psychiatric problems when they pose a health or safety risk.	☐	☐	☐
26. The university/college may establish reasonable rules of behavior to maintain a safe and orderly educational environment.	☐	☐	☐
27. Section 504 of the 1973 Rehabilitation Act prohibits discrimination on the basis of disability in any program or activity offered by an institution of higher education that receives federal financial assistance.	☐	☐	☐
28. The Americans With Disabilities Act (ADA) extended nondiscrimination on the basis of disability to include private institutions of higher education.	☐	☐	☐

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